

BILL NO. Z-72-01 -04

ZONING MAP ORDINANCE NO. Z- 07-72

AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. AA 3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a ~~B1B~~ <sup>B3B</sup> District under the terms of Chapter  
36, Municipal Code of the City of Fort Wayne, Indiana, 1946,  
as amended by General Ordinance No. 2836 and amendments there-  
of; and the symbols on the City of Fort Wayne Zoning Map No.  
AA3 referred to therein, established by Section 9, Article  
III of said Chapter as amended, are hereby changed accordingly,  
to-wit:

The East One-Half of Lot Number 16 and the  
West One-Half of Lot Number 17 (with Deed  
dated July 23, 1971, and recorded in the Allen  
County Recorder's Office on July 26, 1971, as  
Instrument Number 71-13112), and the East One-  
Half of Lot Number 17 (with Deed dated June 28,  
1968, and recorded in the Allen County Recorder's  
Office on July 1, 1968, as Deed Record 708, Page  
599), all of which are in H.B. Reed's Addition  
to the City of Fort Wayne, Allen County, Indiana.

SECTION 2. This Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor and legal publication thereof.

Eugene Kraus Jr.  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,

David B. Kell  
CITY ATTORNEY

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations (and to the City Planning Commission for recommendation) (and ~~Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on~~ the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 1-11-72

Charles W. Westermore  
CITY CLERK

Read the third time in full and on motion by Kraus seconded by Hinga and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES 9, NAYS 0, ABSTAINED \_\_\_\_\_, ABSENT \_\_\_\_\_ to-wit:

Burns	✓	_____	_____	_____
Hinga	✓	_____	_____	_____
Kraus	✓	_____	_____	_____
Nuckols	✓	_____	_____	_____
Moses	✓	_____	_____	_____
Schmidt, D.	✓	_____	_____	_____
Schmidt, V.	✓	_____	_____	_____
Steir	✓	_____	_____	_____
Talarico	✓	_____	_____	_____

Date April 25, 1972

Charles W. Westermore  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 2-07-72 on the 25th day of April, 1972.

ATTEST: (SEAL)

Charles W. Westermore  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of \_\_\_\_\_, 1972 at the hour of 10:30 o'clock 11 A.M., E.S.T.

Charles W. Westermore  
CITY CLERK

Approved and signed by me this 26th day of April, 1972, at the hour of 1:00 o'clock P. M., E.S.T.

John A. Sanford  
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 11, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-01-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

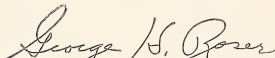
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 20, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 27, 1972.

Certified and signed this  
10th day of April 1972.

  
\_\_\_\_\_  
George H. Roser  
Secretary

*hold 4/11/72*

Bill No. Z-72-01-04

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending the City of Fort Wayne Zoning Map No. AA-3,

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance (Do) PASS.

EUGENE KRAUS, JR., Chairman

JAMES S. STIER, Vice-Chairman

WILLIAM T. HINGA

PAUL M. BURNS

WIVIAN G. SCHMIDT

*Eugene Kraus*  
*James S. Stier*  
*William T. Hinga*  
*Paul M. Burns*  
*Wivian G. Schmidt*

CONCURRED IN  
DATE 4-25-72 CHARLES W. WESTERMAN, CITY CLERK

## RECEIPT

N<sup>o</sup> 113

GENERAL FUND

FT. WAYNE, IND.

Dec. 21, 1971

RECEIVED FROM

Kenneth R. Yohne, re: Gerald + Dolores \$ 50.00

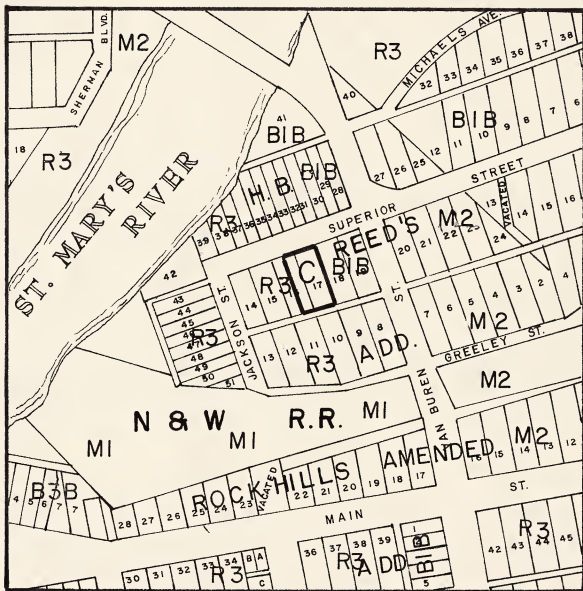
THE SUM OF

Forty and no/100 DOLLARS

ON ACCOUNT OF

Paid to anyone E 1/2 Lot 16 & W 1/2 Lot 17  
+ E 1/2 Lot 17, H. B. Reed's add.R. Ostman

AUTHORIZED SIGNATURE



C CHANGE FROM R3 TO B3B

Z-72-01-04

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

No. \_\_\_\_\_

DATE FILED: \_\_\_\_\_  
INTENDED USE: Automotive services,  
specializing in frame  
and wheel alignment.

x/We Gerald O. Fox and Dolores H. Fox, husband and wife,  
Applicant's Name or Names

Do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana by  
reclassifying from an R-3  
District to a B1B District the property described  
as follows: \_\_\_\_\_

General Description (Prepared by Planning Staff)

The East One-Half of Lot Number 16 and the West One-Half of Lot Number 17  
(with Deed dated July 23, 1971, and recorded in the Allen County Recorder's  
Office on July 26, 1971, as Instrument Number 71-13112), and the East One-  
Half of Lot Number 17 (with Deed dated June 28, 1968, and recorded in the  
Allen County Recorder's Office on July 1, 1968, as Deed Record 708, Page 599),  
all of which are in H. B. Reed's Addition to the City of Fort Wayne, Allen  
County, Indiana.

Legal Description

Legal Description Checked by (City Engineer) Deanne Embury  
for Ron Bonner 12/22/71

The Undersigned applicant (s) upon the execution and submission of this application and petition  
for zoning ordinance amendment, understands and agrees that:

All requests for continuances or requests that ordinances be taken under advisement  
shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday  
preceding the meeting of the City Plan Commission at which the ordinance is to be considered.  
If the request for a continuance or for the ordinance to be taken under advisement is filed  
within the required time, the head of the Plan Commission staff shall not put the matter on  
the agenda for the meeting at which it was to be considered. Also, in the event, a request is  
filed for continuance or delay in the consideration of an ordinance, it shall be the obligation  
of the petitioner to notify the same property owners which the Plan Commission had notified by  
mail that the hearing has been postponed or rescheduled and informing him of the time and  
place of the next meeting at which the proposed ordinance will be considered. In the event the  
time and place of the meeting is not known at the time that the request for continuance is  
filed, it shall be the duty of the petitioner to notify all persons notified by the Plan  
Commission Office when the time and place of hearing is determined.

x/We hereby certify that as the undersigned, ~~xxxx~~ / We are the owner (s) of fifty-one  
percentum or more of the property described in this petition.

<u>Gerald O. Fox</u>	<u>1231 Pelham Drive</u>
Name	<u>Port Wayne, Indiana</u>
	Address
<u>Dolores H. Fox</u>	<u>1231 Pelham Drive</u>
	<u>Port Wayne, Indiana</u>

Gerald O. Fox  
Signature  
Dolores H. Fox

This petition for zoning ordinance amendment prepared by:  
Robert J. Savage  
Name  
5620 North Clinton  
Fort Wayne, Indiana  
Address

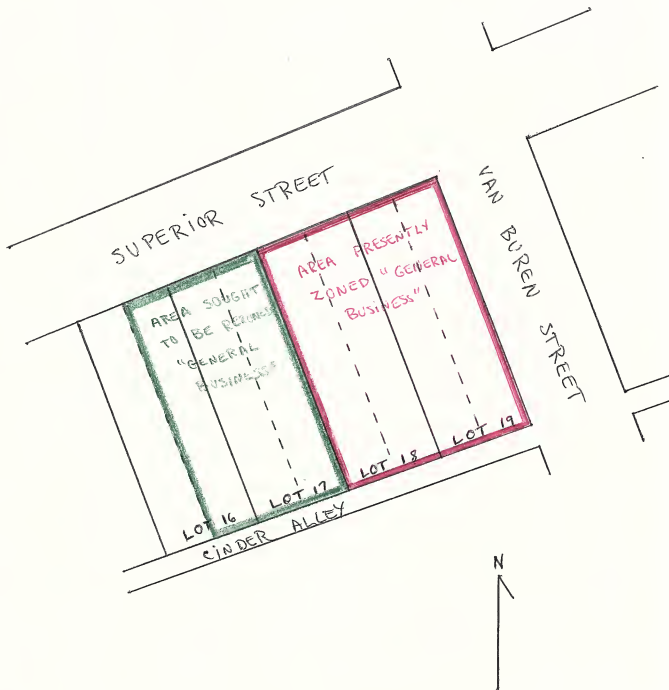
483-2650  
Telephone Number

City Plan Commission - One Main Street - City-County Building - Fort Wayne, Indiana - 423-7571

In regard to the general description of the property, consisting of all of Lot 17 and the East One-Half of Lot 16 in H. B. Reed's Addition to the City of Fort Wayne, Indiana, which property is directly adjacent to existing zoned R&B property owned by the Petitioners and being used for their auto service business, specializing in frame and wheel alignment, said property covered by this Petition is outlined in green on the attached drawing, giving its approximate size and location in relationship to the Petitioners' existing business and the closest street intersection of Superior and Van Buren Streets.



(4) Present Zoning Restrictions



AGREEMENT

We, Gerald O. Fox and Dolores H. Fox, husband and wife, being the owners of real estate in Allen County, Indiana, described as follows: The East One-half of Lot Number 16 and the West One-half of Lot Number 17 (with Deed dated July 23, 1971, and recorded in the Allen County Recorder's Office on July 26, 1971, as Instrument Number 11-13112), and the East One-half of Lot Number 17 (with Deed dated June 28, 1968, and recorded in the Allen County Recorder's Office on July 1, 1968, as Deed Record 308, Page 599), all of which are in H.B. Reed's Addition to the City of Fort Wayne, Allen County, Indiana, in consideration of permission granted by the Common Council of the City of Fort Wayne with the approval of the Mayor to use said real estate for business addition to truck & frame business, hereby agree with the City of Fort Wayne as follows:

We will install a solid seven foot (7') high fence consisting of metal panels with metal support posts and gate accesses of like metal panels and support, to screen from view of adjacent residential property the rear area of business property between the owners newly erected business building addition and rear of the existing business structure of the owner.

It is further understood and agreed that this fencing will commence as soon as practicable after completion of the said building addition and shall be completed promptly thereafter but in any event within ninety (90) days after completion of such addition. If

the work under this Agreement is not so completed, all construction work on the real estate shall stop forthwith, and all use of the real estate for Automotive services, specializing in frame and wheel alignment, and uses accessory thereto shall stop forthwith. In consideration of the permission to use said property for and in connection with Automotive services, specializing in frame and wheel alignment, we make this covenant and agreement for ourselves, grantees, personal representatives, successors and assigns.

This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within five hundred feet of said real estate, and of the public. It may be enforced by injunction or otherwise by any of said owners or by the City of Port Wayne on behalf of the public.

Witness our hands and seals this 5th day of April, 1972.

Gerald O. Fox (SEAL)  
Dolores H. Fox (SEAL)

Prepared by R.J. Savage, Attorney.

### A G R E E M E N T

We, Gerald O. Fox and Dolores H. Fox, husband and wife, being the owners of real estate in Allen County, Indiana, described as follows: The East One-Half of Lot Number 16 and the West One-Half of Lot Number 17 (with Deed dated July 23, 1971, and recorded in the Allen County Recorder's Office on July 26, 1971, as Instrument Number 71-13112), and the East One-Half of Lot Number 17 (with Deed dated June 28, 1968, and recorded in the Allen County Recorder's Office on July 1, 1968, as Deed Record 708, Page 599), all of which are in H.B. Reed's Addition to the City of Fort Wayne, Allen County, Indiana, in consideration of permission granted by the Common Council of the City of Fort Wayne with the approval of the Mayor to use said real estate for business addition to wheel & frame business, hereby agree with the City of Fort Wayne as follows:

We agree that all areas used for on-site parking both in front and beside the new building business addition to be erected on said premises shall be paved after completion of construction but in no event later than one year after issuance of the building permit.

If the work under this Agreement is not so completed, all construction work on the real estate shall stop forthwith, and all use of the real estate Automotive services, specializing in frame and wheel alignment and uses accessory thereto shall stop forthwith.

This Agreement may be enforced by the City of Fort Wayne  
by injunction or otherwise.

Witness our hands and seals this 5th day of  
April, 1942.

Gerald O. Foy (SEAL)

Deleane H. Foy (SEAL)

Prepared by R.J. Savage, Jr. Attorney.

Common Council-City of Ft. Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

-

79

1

80

## COMPUTATION OF CHARGES

80 lines.....columns wide equals.....equivalent lines at 28¢  
cents per line

\$ 23.04

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 23.04

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 19, 1972

Title Clerk

Notice is hereby given that on the 25th day of April, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Zoning Map 2-67-72 Ordinance, to-wit:

BILL NO. 2-72-67  
ZONING MAP ORDINANCE NO. 2-67-72  
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. A-43, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1966, as amended by General Ordinance No. 2636 and amendments thereof; and the symbols on the City of Fort Wayne Zoning Map No. A-43 referred to therein, established by Section 7, Article 11 of said Charter as amended, are hereby changed accordingly, to-wit:

The East One-Half of Lot Number 16 and the West One-Half of Lot Number 17 (with Deed dated July 23, 1971, and recorded in the Allen County Recorder's Office on July 26, 1971, as Instrument Number 71-13112), and the East One-Half of Lot Number 17 (with Deed dated June 28, 1968, and recorded in the Allen County Recorder's Office on July 1, 1968, as Deed Record 708, page 599), all of which are in H. D. Reed's Addition to the City of Fort Wayne, Allen County, Indiana.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

EUGENE KRAUS, Councilman,  
Kraus seconded by Hingo and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine.  
Burns, Hingo, Kraus, Nuckolls, Moses, D. Schmidt, V. Schmidt, Stier, Talarico.

Nonays: None.

Date: April 25, 1972.

CHARLES W. WESTERMAN, City Clerk.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. 2-67-72 on the 25th day of April, 1972.

ATTEST: (SEAL)

CHARLES W. WESTERMAN, City Clerk.

JOHN NUCKOLLS, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of April, 1972 at the hour of 10:30 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN, City Clerk.

Approved and signed by me this 26th day of April, 1972, at the hour of 1:00 o'clock P.M., E.S.T.

IVAN A. LEBAMOFF, Mayor.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a true and complete copy of Zoning Map Ordinance No. 2-67-72 passed by the Common Council on the 25th day of April, 1972 and that said Ordinance was duly signed and approved by the Mayor on the 26th day of April, 1972 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of April, 1972.

CHARLES W. WESTERMAN, City Clerk.

5-11-18.

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published

in the English language in the city } of FORT WAYNE, INDIANA  
town of

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

May 11, 1972

May 18, 1972

Subscribed and sworn to before me this 19th day of May 1972

Edith Stapleton  
Notary Public

My commission expires March 8, 1974

Common Council-City of Fort Wayne  
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

80 lines.....columns wide equals.....equivalent lines 288¢ \$ 23.04

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 23.04

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 19, 1972

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that she is Clerk of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

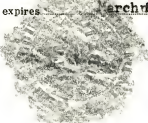
May 11, 1972

May 18, 1972

Subscribed and sworn to before me this 19th day of May 1972

Edith Stapleton  
Notary Public

My commission expires March 8, 1974



Notice is hereby given that on the 25th day of April, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following zoning Map Z-67-72 Ordinance, to-wit:

ZONING MAP ORDINANCE NO. Z-67-72 AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 643. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B38 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2636 and amendments thereof; and the symbols on the City of Fort Wayne Zoning Map No. 643 referred to herein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

The East One-Half of Lot Number 16 of the West One-Half of Lot Number 17 (with Deed dated July 23, 1971, and recorded in the Allen County Recorder's Office on July 26, 1971, as Instrument Number 71-13112), and the East One-Half of Lot Number 17 (with Deed dated June 28, 1968, and recorded in the Allen County Recorder's Office on July 1, 1968, as Deed Record 708, page 399), all of which are in H. B. Reed's Addition to the City of Fort Wayne, Allen County, Indiana.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

EUGENE KRAUS, Councilman, Read the third time in full and so motion Kraus seconded by Hingo and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine.  
Burns, Hingo, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico.

Noys: None.

Oath: April 25, 1972.  
CHARLES W. WESTERMAN, City Clerk, Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-67-72 on the 25th day of April, 1972.

ATTEST: (SEAL)

CHARLES W. WESTERMAN, City Clerk, JOHN NUCKOLS, Presiding Officer, Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of April, 1972, at the hour of 10:30 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN, City Clerk, Approved and signed by me this 26th day of April, 1972, at the hour of 1:30 o'clock P.M., E.S.T.

IVAN A. LEBANOFF, Mayor, I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. Z-67-72 passed by the Common Council on the 25th day of April, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of April, 1972 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of April, 1972.

CHARLES W. WESTERMAN, City Clerk, 5-11-18